

EXHIBIT 4

Page 1

RE: In re: McCRAY, RICHARDSON,
SANTANA, WISE
and SALAAM Litigation,

Docket No. 03 CV 9685 (DAB) (RLE)

99 Park Avenue
New York, New York
April 23, 2013
10:06 a.m.

EXAMINATION BEFORE TRIAL of LINDA
FAIRSTEIN, a Defendant in the
above-entitled action, held at the above
time and place, taken before Alice
Schulman, a Notary Public of the State of
New York, pursuant to Notice and
stipulations between Counsel.

* * *

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Linda Fairstein

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1 supervision included Ms. Lederer's three 11:06:03
2 Trial Bureau 40 supervisors. 11:06:07

3 Q. Who? 11:06:09

4 A. John Hogan was the bureau chief 11:06:10
5 in Trial Bureau 40. And also a former 11:06:13
6 member of the Sex Crimes Prosecution Unit. 11:06:18
7 Dan McNulty was, I believe, charged with 11:06:22
8 much of the supervision direct on a daily 11:06:28
9 basis for Ms. Lederer and Mr. McNulty. He 11:06:32
10 was their Deputy Bureau Chief in Trial 11:06:36
11 Bureau 40. I believe the Second Deputy 11:06:41
12 was Mr. Cronin, Steve Cronin. 11:06:43

13 Q. Can you spell that? 11:06:45

14 A. C-R-O-N-I-N. 11:06:45

15 Q. Go on. 11:06:48

16 A. And then I was, in the sense of 11:06:49
17 the sex crimes work, a supervisor. The 11:06:59
18 chief of the Trial Division to whom I 11:07:02
19 reported was also in the supervisory role 11:07:04
20 in this case. 11:07:09

21 Q. Who was that? 11:07:10

22 A. It was at first John Fried when 11:07:11
23 the case was assigned in April 1989. He 11:07:16
24 left the office, a date you can ascertain 11:07:22
25 but probably 1990, replaced by Nancy Ryan 11:07:28

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1 who was then a supervisor. 11:07:32

2 And then up the chain of 11:07:37

3 command, the Chief Assistant District 11:07:39

4 Attorney and Mr. Morgenthau himself. 11:07:41

5 Q. Did you ever talk to Mr. 11:07:44

6 Morgenthau during the period this case was 11:07:47

7 pending before the convictions about 11:07:49

8 anything having to do with the charges, 11:07:51

9 the indictments and the prosecution? 11:07:56

10 MS. DAITZ: Objection to form. 11:07:58

11 A. Did I ever speak? 11:08:00

12 Q. In that period of time. 11:08:03

13 A. In the period of time from April 11:08:05

14 20, 1989 -- 11:08:07

15 Q. Right. 11:08:09

16 A. -- to the convictions? 11:08:09

17 Q. Right. 11:08:11

18 A. Frequently. 11:08:12

19 Q. Did you talk about issues in the 11:08:13

20 case with him? 11:08:15

21 A. Yes, I did. 11:08:16

22 Q. How often? 11:08:17

23 A. Well, in what period of time? 11:08:18

24 Q. In that period of time. 11:08:22

25 A. It varied from the morning of 11:08:24

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1 April 20th for a month or six weeks, he 11:08:28
2 called me into him several times a day 11:08:34
3 every day. There were periods where we 11:08:37
4 didn't speak as frequently. 11:08:43
5 He asked me, I was the person 11:08:47
6 who he called in this particular case. He 11:08:50
7 expected me to give him information from 11:08:55
8 Ms. Lederer and her team that were updates 11:08:58
9 of any kind. So I saw him during that 11:09:01
10 period. And more frequently during the 11:09:05
11 hearings of the case and the trial. 11:09:09
12 Q. If I can remember correctly, in 11:09:13
13 your answer, maybe an answer or so ago, 11:09:23
14 you said something about your assisting in 11:09:26
15 the sex crime aspects of the prosecution. 11:09:28
16 What did you mean by that? 11:09:32
17 A. As you are well aware, there 11:09:33
18 were many charges in this case. And in 11:09:38
19 addition to the five plaintiffs in this 11:09:43
20 case, there were many offenders charged 11:09:44
21 with acts not related to a sexual assault 11:09:50
22 but to physical assaults and to riot, and 11:09:55
23 many of them ultimately to be charged in 11:09:58
24 Juvenile Court. 11:10:01
25 And for all of those issues, Ms. 11:10:04

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1 at two precincts. 15:45:53

2 Q. Others were concerned about what 15:45:56

3 else? 15:45:59

4 A. Other officers I didn't know who 15:45:59

5 were in a similar position, who were not 15:46:06

6 being interviewed and expressed to my 15:46:09

7 former colleagues that they had 15:46:14

8 information they wanted to give to her, 15:46:17

9 her being Ms. Ryan. 15:46:20

10 Q. Do you know what officers 15:46:22

11 communicated with your former colleagues 15:46:24

12 to express that opinion or those opinions? 15:46:26

13 A. As I sit here today, I don't 15:46:29

14 know. I knew in 19 -- I'm sorry, I knew 15:46:31

15 some of the names in 2002. 15:46:36

16 Q. Did you take notes when you were 15:46:38

17 having these conversations with people in 15:46:40

18 the District Attorney's office who were 15:46:42

19 expressing their concern? 15:46:43

20 A. Not that I can think of. 15:46:46

21 Q. I guess we can go to April 20th 15:46:49

22 now for awhile. Fiston called you what 15:47:15

23 time in the morning? 15:47:22

24 A. As I recall, between 8:30 and 15:47:24

25 nine o'clock in the morning. 15:47:27

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1 to give me information. It was a call in 15:50:04
2 which he was asking for the help that we 15:50:07
3 provide in the instant moment. 15:50:12
4 Q. Fiston was calling you, right, 15:50:14
5 right? 15:50:17
6 A. Fiston did call me. 15:50:17
7 Q. Right? 15:50:19
8 A. Yes, sir. 15:50:21
9 Q. And the reason Fiston called you 15:50:21
10 about a rape was the arrangement you and 15:50:24
11 Morgenthau had made with Fiston that you 15:50:27
12 should be called about every rape; is that 15:50:29
13 correct? 15:50:32
14 MS. DAITZ: Objection. 15:50:32
15 A. No, sir. 15:50:32
16 Q. Why is that not correct? 15:50:33
17 MS. DAITZ: Let her answer the 15:50:35
18 question this time. 15:50:37
19 Q. Why is that not correct? 15:50:37
20 A. Because the practice that 15:50:39
21 Morgenthau and I had requested to have 15:50:41
22 with Mr. Fiston and other officers was for 15:50:45
23 the information of a case. 15:50:49
24 So if a rape had happened on 15:50:50
25 4/15 on East 30th Street and it wasn't 15:50:51

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1	solved, we'd know and have it under our	15:50:55
2	roof as well.	15:51:00
3	On this morning when he called	15:51:01
4	me, he was calling to ask me to assign a	15:51:03
5	prosecutor now for the purpose, as we ride	15:51:06
6	homicides and sex crimes as the expression	15:51:13
7	is called, to have a prosecutor to be	15:51:15
8	available to him within hours to help with	15:51:19
9	the prosecutorial steps that would be	15:51:21
10	taken at the station house.	15:51:24
11	Q. So it's your answer that the	15:51:26
12	call that Fiston made to you had no	15:51:29
13	connection with the arrangements that you	15:51:32
14	and Morgenthau had made with Fiston to	15:51:33
15	call and advise you about a rape, whether	15:51:37
16	or not a person had been arrested?	15:51:39
17	MS. DAITZ: Objection. You can	15:51:41
18	answer.	15:51:43
19	A. Those are not my words, sir. I	15:51:43
20	didn't say they had no connection. I said	15:51:46
21	this was for a much more urgent purpose.	15:51:48
22	It might also have served that use, hello,	15:51:51
23	this is the event that happened this	15:51:55
24	morning.	15:51:57
25	On top of that, there was a much	15:51:58

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1 A. I don't believe so. It was a 15:54:13
2 phone conversation, a telephone 15:54:16
3 conversation. 15:54:17

4 Q. So let's go back to your call 15:54:17
5 to, pardon me, your call with Fiston. 15:54:19
6 What did you do after that? 15:54:31

7 A. I picked up the office roster 15:54:33
8 that I kept on my desk. It's a monthly 15:54:39
9 form distributed to every lawyer to look 15:54:43
10 at my unit's names to see who was 15:54:50
11 available for me to assign the case to. 15:54:53

12 Q. And what happened next? 15:54:57

13 A. I chose the name Elizabeth 15:55:03
14 Lederer. 15:55:03

15 Q. Because? 15:55:05

16 A. Because she was a skilled 15:55:05
17 experienced litigator. She did excellent 15:55:09
18 work. She was one of the top four names 15:55:14
19 that I considered at the time that I 15:55:21
20 looked at the list and I settled on her. 15:55:25

21 Q. And you called? 15:55:30

22 A. And I called her. 15:55:31

23 Q. Right after that? 15:55:32

24 A. Immediately after that. 15:55:34

25 Q. Told her? 15:55:35

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1	the period between 8:30 p.m. and 11:30.	16:59:26
2	Q. You knew at some point that	16:59:29
3	Yusef Salaam was there?	16:59:31
4	A. I had learned that.	16:59:33
5	Q. And did you learn that Kharey	16:59:34
6	Wise was there?	16:59:36
7	A. When did I learn that? I	16:59:36
8	learned that.	16:59:40
9	Q. While at the 20th, did you learn	16:59:41
10	that Kharey Wise was there?	16:59:43
11	A. No, actually.	16:59:44
12	Q. When did you learn that?	16:59:46
13	A. I learned that shortly after	16:59:48
14	reaching the 24th Precinct.	16:59:54
15	Q. From whom did you learn that?	16:59:55
16	A. I believe I learned that from	16:59:59
17	Detective Taglioni.	17:00:02
18	Q. And from whom did you first	17:00:04
19	learn that Yusef Salaam was at the	17:00:08
20	precinct?	17:00:10
21	A. I first learned that around	17:00:11
22	11:30 p.m. on the night of the 20th when	17:00:15
23	an officer came up to tell me that someone	17:00:23
24	was there on behalf of the Salaam family.	17:00:30
25	Q. Where were you?	17:00:34

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1	A.	On the second floor in the squad	17:00:35
2		room.	17:00:38
3	Q.	What had you been doing?	17:00:38
4	A.	I'd been making phone calls.	17:00:39
5	Q.	What did you do directly before	17:00:42
6		you learned that?	17:00:47
7	A.	I had been on the phone. I	17:00:47
8		can't tell you who I was on the phone	17:00:50
9		with.	17:00:53
10	Q.	What officer came up to you?	17:00:53
11	A.	As best I can recall it was a	17:00:55
12		sergeant named Klev, K-L-E-V.	17:00:58
13	Q.	Had you been --	17:01:01
14		MR. BELDOCK: Withdrawn.	17:01:06
15	Q.	From the time of the first	17:01:07
16		interview --	17:01:08
17		MR. BELDOCK: Withdrawn. I'm	17:01:11
18		sorry.	17:01:12
19	Q.	From the time of the first	17:01:12
20		meeting you and Lederer had with Sergeant,	17:01:14
21		sorry, with Captain Rowe, had you had	17:01:19
22		anymore interaction, anymore discussions	17:01:24
23		with Captain Rowe?	17:01:27
24	A.	Yes.	17:01:28
25	Q.	What did they consist of?	17:01:28

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1 Q. Did you ever see those pictures? 17:02:28
2 A. Yes. 17:02:30
3 Q. When? 17:02:31
4 A. I believe, I know it was at the 17:02:31
5 24th Precinct after seven in the morning. 17:02:36
6 Q. Someone came up to you when you 17:02:42
7 were on the second floor and told you that 17:02:44
8 there was someone inquiring about Mr. 17:02:48
9 Salaam? 17:02:51
10 MS. DAITZ: Objection to form. 17:02:51
11 Q. What exactly were you told? 17:02:53
12 A. I was told that a man was there, 17:02:54
13 a lawyer on behalf of the Salaam family. 17:02:58
14 Q. Anything else? 17:03:06
15 A. I think, I think, and I've given 17:03:08
16 sworn testimony about this years ago, I 17:03:15
17 think that was the first conversation that 17:03:18
18 was reported to me by the officer. 17:03:20
19 Q. Anyone else present? 17:03:23
20 A. I don't think so. 17:03:24
21 Q. Did you speak to Lederer about 17:03:28
22 that information? 17:03:31
23 A. No, I didn't know where she was 17:03:32
24 at the moment. 17:03:34
25 Q. Do you know what she was doing 17:03:35

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1	Salaam.	17:17:41
2	Q. You can exclude me from	17:17:45
3	everybody in this room.	17:17:45
4	A. Okay.	17:17:45
5	MR. WARREN: Exclude me too.	17:17:48
6	THE WITNESS: Okay, fine.	17:17:48
7	Q. You see he gave testimony that's	17:17:48
8	different from your testimony, right?	17:17:51
9	A. Correct.	17:17:53
10	Q. Did you know Lieutenant Doyle	17:17:54
11	was at the precinct, at the 20th Precinct	17:18:00
12	on the 20th of April?	17:18:03
13	A. As I said earlier, I know	17:18:04
14	Lieutenant Doyle and Sergeant O'Connor	17:18:08
15	were among the supervisors who were there	17:18:10
16	for, at one precinct or the other for the	17:18:16
17	32 hours or so that Ms. Lederer and I were	17:18:20
18	there. I can't place him at a specific	17:18:23
19	moment like this now today.	17:18:25
20	Q. So you can't say whether you	17:18:27
21	remember them being at the 20th Precinct?	17:18:30
22	A. I can't today. They may well	17:18:32
23	have been.	17:18:36
24	Q. Did you know what division or	17:18:36
25	bureau of the police department Doyle was	17:18:54

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4 RE: In re: McCRAY, RICHARDSON,
5 SANTANA, WISE
6 and SALAAM Litigation,
7

Docket No. 03 CV 9685 (DAB) (RLE)

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10
11 CONTINUED EXAMINATION BEFORE TRIAL of
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13 above-entitled action, held at the above
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15 Schulman, a Notary Public of the State of
16 New York, pursuant to Subpoena and
17 stipulations between Counsel.

18
19 * * *
20
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1	A.	24th Precinct.	10:05:52
2	Q.	This is on the 21st, right?	10:05:54
3	A.	Yes.	10:05:56
4	Q.	Who was present with Kharey at	10:05:57
5		that time?	10:06:01
6	A.	The detectives working with him.	10:06:01
7		I believe, well, Detective Sheehan was in	10:06:08
8		the immediate area around me, and Jonza	10:06:11
9		was, I don't know if Jonza was next to me	10:06:16
10		but nearby.	10:06:23
11		(Mr. Wareham entered the room.)	10:06:24
12	Q.	This is in the station house?	10:06:28
13	A.	Yes.	10:06:32
14	Q.	This is not in the park?	10:06:33
15	A.	Correct.	10:06:34
16	Q.	You went with Kharey to the	10:06:35
17		park?	10:06:37
18	A.	Yes.	10:06:37
19	Q.	Is this before you went to the	10:06:37
20		park?	10:06:39
21	A.	Yes.	10:06:39
22	Q.	Where was this, where in the	10:06:39
23		station house did this take place?	10:06:44
24	A.	In the squad room on the second	10:06:46
25		floor, I believe.	10:06:49

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1 A. I don't believe I did see him 10:08:06
2 there. I later learned he was there. 10:08:07
3 Q. Go on reading the notes. Pick 10:08:10
4 up with not cuffed. What do you mean by 10:08:21
5 that? 10:08:23
6 A. That he was never handcuffed for 10:08:24
7 this trip to the park, in the precinct or 10:08:27
8 in the park until after he was arrested 10:08:29
9 many hours later. 10:08:32
10 Q. Why don't you read those three 10:08:33
11 lines. 10:08:36
12 A. Okay. Not cuffed. In roadway 10:08:37
13 with Jonza and Sheehan and Kevin 10:08:41
14 Richardson. 10:08:44
15 Q. Are those notes related to 10:08:46
16 events in the station house? 10:08:50
17 A. No, in the park now. 10:08:54
18 Q. Read the rest of the notes, 10:08:59
19 please. 10:09:04
20 A. Pointed out where he was on ball 10:09:04
21 field and where, using his word in quotes, 10:09:07
22 snatched her. 10:09:15
23 Q. Go on. 10:09:16
24 A. Drove below, underlined, after 10:09:18
25 KR, arrow back to car. 10:09:25

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1 Q. What does that mean? 10:09:28

2 A. That the drove below refers to 10:09:30

3 the fact that the officers driving me in 10:09:35

4 the car drove from the roadway down to the 10:09:38

5 ravine. That's what drove below means. 10:09:43

6 After KR went back to the car 10:09:48

7 means that Kevin was the first of the two 10:09:51

8 young men the officers asked to get out of 10:09:55

9 the car. 10:09:58

10 Q. Kharey was asked to get out 10:10:00

11 afterwards, is that what it means? 10:10:02

12 A. Yes. 10:10:04

13 Q. What time of day did you go to 10:10:05

14 the park? 10:10:09

15 A. We left the precinct shortly 10:10:09

16 after 7:00 a.m. and were back by 8:00 a.m. 10:10:12

17 Q. You were driven there by a 10:10:17

18 police officer? 10:10:21

19 A. Yes. 10:10:21

20 Q. Which one? 10:10:21

21 A. It's my recollection, as I sit 10:10:22

22 here, that Detective Sheehan drove the car 10:10:27

23 and Detective Jonza was also in the car. 10:10:31

24 Q. Were you all in the same car 10:10:33

25 with Kharey and Kevin? 10:10:35

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1	A.	That's my recollection. I could	10:10:37
2		be mistaken.	10:10:38
3	Q.	Read on.	10:10:39
4	A.	Mike Sheehan and August Jonza.	10:10:40
5		Mike Sheehan, I'm sorry, to Mike Sheehan,	10:10:47
6		T-O, to August Jonza, quote, send Kharey	10:10:51
7		up - walked over alone, meaning Kharey	10:10:55
8		walked alone.	10:11:01
9		(Mr. Warren entered the room.)	10:11:01
10	Q.	Over to?	10:11:04
11	A.	To the area where Sheehan and I	10:11:05
12		were.	10:11:08
13	Q.	The next paragraph starting with	10:11:08
14		looked down, I can read, is this your	10:11:14
15		recording of what you --	10:11:20
16		MR. BELDOCK: Withdrawn.	10:11:22
17	Q.	Is this your recording of what	10:11:22
18		you understood Kharey to have said?	10:11:25
19	A.	Yes.	10:11:27
20	Q.	Where was he when you made these	10:11:29
21		comments?	10:11:32
22	A.	The car had parked in the ravine	10:11:33
23		and we were standing, I would say,	10:11:37
24		approximately a third of the way up from	10:11:43
25		the stream in the ravine to the roadway.	10:11:48

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1 A. Yes. 10:13:10

2 Q. Were there any other persons 10:13:10

3 present with your group, Sheehan, Jonza, 10:13:20

4 Kevin and Kharey in the visit to the park? 10:13:25

5 A. There may have been another car 10:13:30

6 with police officers in it. I don't 10:13:34

7 believe there were any other civilians, 10:13:37

8 but I don't remember talking to anyone in 10:13:41

9 another car. There were, there was a 10:13:44

10 uniformed police officer, at least one if 10:13:48

11 not two, on the roadway in the park when 10:13:50

12 we arrived. 10:13:54

13 Q. Am I correct that this visit to 10:13:55

14 the park took place after the video 10:13:57

15 statements of Kharey and Kevin? 10:14:02

16 A. I believe the visit to the park 10:14:04

17 took place after the video statement of 10:14:06

18 Kevin Richardson and, as I sit here today, 10:14:09

19 my recollection is that Kharey Wise had 10:14:14

20 made two written statements at that point, 10:14:17

21 or a written statement but had not yet 10:14:24

22 been videotaped. 10:14:27

23 Q. Kevin was being questioned and 10:14:31

24 was giving information while at the visit 10:14:33

25 to the park and in the car. 10:14:36

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1	Q. When you were speaking to	14:43:45
2	Nocenti and speaking to Sharon on the	14:43:48
3	20th, Sharonne on the 20th, and to whoever	14:43:51
4	else you were talking to, did you	14:43:53
5	understand that Yusef was being questioned	14:43:55
6	by detectives?	14:43:58
7	A. When I spoke to Mr. Nocenti,	14:44:00
8	yes.	14:44:03
9	Q. And when you spoke to Sharonne?	14:44:03
10	A. For the first two minutes until	14:44:05
11	she told me her son's age, yes.	14:44:08
12	Q. Are you saying that you stopped	14:44:11
13	the questioning after the first two	14:44:12
14	minutes?	14:44:14
15	MS. DAITZ: Objection.	14:44:14
16	A. I'm saying that I am the person,	14:44:15
17	yes, who the moment Mrs. Salaam told me	14:44:17
18	her son's age recommended to the police	14:44:22
19	that they stop the questioning.	14:44:24
20	Q. And you did that promptly?	14:44:27
21	A. I did that promptly.	14:44:29
22	Q. When, to your knowledge, was	14:44:32
23	Yusef brought down to see his mother?	14:44:36
24	A. I don't know. I didn't have	14:44:39
25	control over that.	14:44:43

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1 Q. It didn't happen while you were 14:44:43
2 in the precinct, did it? 14:44:45
3 A. I left the precinct immediately 14:44:46
4 after. 14:44:48
5 Q. You left around 12, 12:30? 14:44:49
6 A. Around 12:30, and this exchange 14:44:52
7 with Mrs. Salaam was about 12:15. 14:44:55
8 Q. Do you remember Judge Titone's 14:44:59
9 dissent, Judge T-I-T-O-N-E's, dissent in 14:45:06
10 the Court of Appeals about Yusef? 14:45:09
11 A. Yes, I do, very well. 14:45:12
12 MS. DAITZ: At the time that it 14:45:13
13 was written, keep in mind. 14:45:13
14 A. Yes, I do. 14:45:16
15 Q. Didn't Judge Titone write in his 14:45:17
16 dissent, pardon me, didn't Judge Titone 14:45:21
17 write in his dissent that he disapproved 14:45:26
18 of the technique that he found you used 14:45:29
19 with Yusef Salaam by keeping him isolated 14:45:33
20 from family members while he was being 14:45:38
21 questioned? 14:45:40
22 MS. DAITZ: Objection. 14:45:40
23 A. I remember he wrote a very 14:45:41
24 strong dissent. 14:45:43
25 Q. To that effect, right? 14:45:45

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1 possibly Ms. Lederer. 16:00:10

2 Q. Did you learn that information 16:00:11

3 also or independently from any of the 16:00:13

4 former or still current at that time 16:00:17

5 members of the Manhattan North Homicide 16:00:23

6 Group? 16:00:26

7 MS. DAITZ: Objection. 16:00:27

8 Q. Like Sheehan or McCabe, for 16:00:29

9 example. 16:00:32

10 MS. DAITZ: Objection. 16:00:32

11 A. I, I don't believe I ever had a 16:00:33

12 conversation with McCabe. I don't believe 16:00:41

13 I had any conversations with McCabe, not 16:00:47

14 ever in regard to the reinvestigation of 16:00:52

15 this case. Sheehan possibly, Lederer 16:00:55

16 possibly, Friel possibly. 16:01:06

17 Q. You say that you told Kindler 16:01:08

18 that you were a fact witness. Right or 16:01:12

19 wrong, you were a fact witness to events 16:01:17

20 concerning Yusef Salaam, Sharonne Salaam, 16:01:21

21 David Nocenti, all surrounding what 16:01:24

22 happened in the precinct when you 16:01:27

23 interacted with those people? 16:01:31

24 A. Not limited to the names you've 16:01:34

25 just said, but all related to the 32 or 16:01:37

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1 six hours in the precinct. 16:01:43

2 Q. You were a fact witness to 16:01:44

3 things that happened in the park when you 16:01:46

4 went to the park, right? 16:01:48

5 A. Yes. 16:01:53

6 Q. Were you a fact witness to any 16:01:53

7 other aspect of the interviews of the 16:01:55

8 defendants? 16:01:58

9 A. Not to the interviews but to 16:01:58

10 observations about how they were fed, how 16:02:00

11 they were cared for, what they said and 16:02:04

12 did to some extent 10:30 at night anyway 16:02:08

13 in the holding pen. 16:02:12

14 Information that Kharey Wise 16:02:14

15 shouted out about a victim who had not 16:02:16

16 even yet come forward to the police that 16:02:19

17 confirmed that fact when that man came 16:02:22

18 forward. 16:02:27

19 So I thought that a good 16:02:27

20 investigator wouldn't overlook any piece 16:02:31

21 of investigation, of information. 16:02:34

22 Q. Did you read Judge Tejada's 16:02:38

23 decision? 16:02:44

24 A. When it was issued, yes. I 16:02:44

25 don't believe I have since. 16:02:47

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1 Morgenthau directed me to. 16:06:11

2 Q. After the investigation, the 16:06:12

3 reinvestigation started in 2002, did you 16:06:16

4 give a number of interviews to various 16:06:20

5 members of the press? 16:06:23

6 A. Yes. 16:06:24

7 Q. Did you keep a list of them? 16:06:24

8 A. No. 16:06:28

9 Q. Did you keep copies of them? 16:06:29

10 A. No. 16:06:30

11 Q. For instance, Jeffrey Toobin 16:06:31

12 wrote it, I think his name is Toobin or 16:06:35

13 Tobin, wrote an article in the New York 16:06:39

14 Magazine -- 16:06:41

15 A. New Yorker. 16:06:41

16 Q. -- about the case and about your 16:06:43

17 statements. Did you keep a copy of that 16:06:45

18 article? 16:06:48

19 A. No, it's all Googleable online. 16:06:48

20 Q. Did you read that article? 16:06:52

21 A. Yes, I did. 16:06:55

22 Q. Did you read other articles in 16:06:56

23 which you were quoted? 16:06:59

24 MS. DAITZ: When they were 16:07:00

25 published. 16:07:01

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Linda Fairstein

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1 A. Which results are you talking 16:12:24
2 about, and what was the communication 16:12:27
3 because sometimes your characterizations, 16:12:29
4 most respectfully, have not been the same 16:12:31
5 as I would characterize it. 16:12:34

6 Q. I'm showing you Exhibit 28. You 16:12:39
7 can hold this other one at the same time. 16:12:53

8 MS. DAITZ: I need a copy. 16:12:55

9 MR. BELDOCK: You had this 16:13:00
10 earlier. 16:13:01

11 MS. DIPPOLD: We passed it out 16:13:03
12 earlier and then retrieved it. 16:13:05

13 MR. BELDOCK: Here, here. I 16:13:08
14 better take one for myself. 16:13:11

15 MS. DAITZ: Thank you. 16:13:14

16 MR. BELDOCK: Excuse me. For 16:14:10
17 the record, this is an article from the 16:16:16
18 New York Times archives entitled Genetic 16:16:18
19 Tests, quote, Inconclusive, unquote in 16:16:23
20 Jogger Rape. It is not Bates stamped, and 16:16:27
21 it is dated as having been published 16:16:33
22 October 10, 1989. 16:16:39

23 Q. Did you read it at that time? 16:16:45

24 A. I don't remember that today. 16:16:47

25 Q. Did you learn that the 16:16:50

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1 prosecution, I don't care who it was, 16:16:55
2 publicly gave out the information that the 16:16:59
3 DNA tests that were initially taken were 16:17:02
4 inconclusive as to whether or not there 16:17:06
5 was a match between the DNA that had been 16:17:09
6 recovered and any of the defendants? 16:17:13

7 MS. DAITZ: Objection to form. 16:17:15

8 A. I know that the prosecution used 16:17:16
9 the term inconclusive which I believe was 16:17:22
10 the term in the FBI report. I know it, 16:17:26
11 whatever term Ms. Lederer used, I know 16:17:29
12 that from Ms. Lederer, not from the 16:17:32
13 newspaper, from Ms. Lederer in 1989, not 16:17:35
14 from the newspaper. 16:17:39

15 Q. I'm giving you two new exhibits. 16:17:40
16 Sorry for the seeming disjunction, but 16:17:44
17 it's logical. 16:17:47

18 MR. BELDOCK: Ms. Reporter, 16:17:51
19 would you mark this one dated November 13, 16:17:52
20 1989 as the next exhibit. 16:17:55

21 (Document NYC013888-NYC013890 16:17:55
22 was hereby marked as Fairstein Exhibit 37 16:17:55
23 for identification, as of this date.) 16:17:55

24 MR. BELDOCK: And the one dated 16:18:07
25 May 25, 1990 as the subsequent exhibit. 16:18:09

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